

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 520 - HB 789

February 21, 2011

SUMMARY OF BILL: Prohibits action for wrongful death of a spouse to be brought by a surviving spouse who has abandoned the deceased spouse for at least two years prior to death.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Currently, a cause of action for the wrongful death of a person passes to the person's surviving spouse, or if there is none, then to the person's children, next of kin, or to the person's personal representative.
- Eliminating this cause of action in case of abandonment would have no significant fiscal impact on the state trial and appellate courts because a rightful plaintiff would still have the right to bring the action. Any cost can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.
- Section three contains a typographical error. The proposed bill references § 36-4-1019(a)(13) rather than § 36-4-101(a)(13).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

/lsc